



EDMS ALERT: Request for Notice in Probate 633.42

Method of notice on interested nonparties under Iowa Code section 633.42.

For interested nonparties in probate cases, which code section 633.42 says include "any person interested in the estate," the "Request for Notice" Document Type has been added to the Probate Common Filings category. When an interested nonparty files a Request for Notice, EDMS sends notification to all parties— including the personal representative and/or the personal representative's attorney—that this nonparty wants notice of hearings on the case.

The code says the personal representative or the personal representative's attorney is responsible for notifying these nonparties: "Thereafter, the personal representative shall, unless otherwise ordered by the court, serve, by ordinary mail, upon such person, or the person's attorney, if any, a notice of each hearing." This responsibility has not changed with electronic filing. It remains for the personal representative or the personal representative's attorney to mail notice to nonparties who have filed a Request for Notice in EDMS.

Beneficiaries are indexed as case parties in EDMS when they're named in the will and added by the attorney as parties on the case or when they're permitted to intervene on the case. As case parties, they get full case access and notifications, and therefore need not file a Request for Notice in the case in order to get service.